

DAVIS WRIGHT TREMAINE LLP

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Attorneys for Defendants and Claimant
 BARRY COHEN, CHRIS COHEN (aka CHRISTENE COHEN), the F/V POINT LOMA and
 Claimant, F/V POINT LOMA Fishing Company, Inc.

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC.,

Plaintiff,

v.

BARRY COHEN, CHRIS COHEN (aka
 CHRISTENE COHEN), *in personam* and,
 F/V POINT LOMA, Official Number
 515298, a 1968 steel-hulled, 126-gross ton,
 70.8 foot long fishing vessel, her engines,
 tackle, furniture apparel, etc., *in rem*, and
 Does 1-10,

Defendants.

No. C-07-2952-WHA

**DECLARATION OF MARTIN L.
 FINEMAN IN SUPPORT OF
 DEFENDANTS' APPLICATION FOR
 REASONABLE ATTORNEYS FEES
 AND COSTS**

I, Martin L. Fineman, declare as follows:

1. I am a member in the law firm of Davis Wright Tremaine LLP and our firm serves
 as counsel to Defendants in this lawsuit. I make this declaration in support of Defendants'
 Application for Attorney's Fees and Costs. The facts set forth in this declaration are personally
 known to me to be true and correct and, if called and sworn as a witness, I would and would
 testify to the following:

2. I am an attorney at law and have practiced civil litigation in San Francisco,

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1 California for more than 23 years. I was a judicial law clerk to the Honorable Robert Boochever
2 of the Ninth Circuit Court of Appeals for one year prior to that. I am a member of the law firm of
3 Davis Wright Tremaine LLP and practice in the San Francisco, California office.

4 3. Since December 1999, I have served as Partner-in-Charge of the San Francisco
5 office of Davis Wright Tremaine LLP. I have also served as Co-Chair of the entire firm's
6 Commercial Litigation Department. In these roles, one of my responsibilities is to help establish
7 billing rates for the attorneys in the San Francisco office of Davis Wright Tremaine LLP. In
8 order to do so effectively, I must and do monitor and stay aware of billing rates charged in the
9 San Francisco market. I am aware of billing rates charged in the San Francisco market through a
10 variety of means, including court filings, information in the press, anecdotal information, and
11 surveys.

12 4. Davis Wright Tremaine LLP is a large, general practice law firm with more than
13 400 attorneys in eight offices in the United States and one in Shanghai, China. Davis Wright
14 Tremaine LLP is one of the so-called AmLaw 200 law firms. The San Francisco office includes
15 approximately 40 attorneys.

16 5. James P. Walsh is a litigation partner in the San Francisco office of Davis Wright
17 Tremaine LLP. I am familiar with his work and his reputation. Mr. Walsh is a skilled litigation
18 attorney, with special expertise in admiralty and maritime law.

19 6. Mr. Walsh's hourly rate for each of the years of this litigation is as follows: 2007
20 (\$490) and 2008 (\$520). It is my opinion that these rates, in each of the years, were below
21 market rates prevailing in San Francisco for someone of Mr. Walsh's tenure and experience as a
22 litigation partner in a large law firm. Accordingly, it is my opinion that Mr. Walsh's rate is not
23 only reasonable in comparison to the market for legal services in San Francisco, it is somewhat
24 low in comparison to a lawyer in San Francisco with Mr. Walsh's tenure and experience.

25 7. Gwen Fanger is a litigation associate in the San Francisco office of Davis Wright
26 Tremaine, LLP. She has been an associate with Davis Wright Tremaine LLP since October 2006.
27 Prior to joining the firm, she was a staff attorney with the Federal Trade Commission office in
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1 San Francisco for nearly eight years. I am familiar with her work at the firm.

2 8. Ms. Fanger's hourly rate for each of the years in this litigation is as follows: 2007
3 (\$275) and 2008 (\$350). It is my understanding and opinion that these rates, in each of these
4 years, were below market rates prevailing in San Francisco for someone of Ms. Fanger's years
5 and level of experience as an associate in a large law firm. Accordingly, it is my opinion that Ms.
6 Fanger's rate is not only reasonable in comparison to the market for legal services in San
7 Francisco, it is somewhat low in comparison to a lawyer in San Francisco with Ms. Fanger's
8 tenure and experience.

9 I declare under penalty of perjury under the laws of the United States of America that the
10 foregoing is true and correct. Executed this 10th day of July, 2008 at San Francisco, California.

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12 Martin L. Fineman
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